

000; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States. (June 15, 1917, ch. 30, title V, § 6, 40 Stat. 222; Mar. 28, 1940, ch. 72, § 5, 54 Stat. 79.)

AMENDMENTS

1940—Act Mar. 28, 1940, cited to text, increased the term of imprisonment.

CROSS REFERENCES

Jurisdiction of offenses, see section 39 of this title.
Letters and writings in violation of this section as non-mailable, see section 343 of this title.

§ 37. Same; internment of person belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.

Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 15, 1917, ch. 30, title V, § 7, 40 Stat. 223.)

CROSS REFERENCES

Jurisdiction of offenses, see sections 39 and 574 of this title.

Letters and writings in violation of this section as non-mailable, see section 343 of this title.

Taking out vessel in violation of this section, see section 36 of this title.

§ 38. Same; enforcement of sections 25, 27, and 31-37 of this title.

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 25, 27, and 31-37 of this title. (June 15, 1917, ch. 30, title V, § 9, 40 Stat. 223.)

§ 39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.

The term "United States", as used in sections 25, 27, and 31-38 of this title, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The district court of the Canal Zone shall have jurisdiction of offenses under said sections 25, 27, and 31-38 committed within its district, and concurrent jurisdiction with the district courts of the United States of offenses thereunder committed upon the high seas, and of conspiracies to commit

such offenses, as defined by section 88 of this title, and the provisions of said section 88, for the purposes of sections 25, 27, and 31-38 of this title, are extended to the Canal Zone. If any clause, sentence, paragraph, or part of sections 25, 27, and 31-38 of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, ch. 30, title XIII, §§ 1, 2, 4, 40 Stat. 231; Proc. No. 2695, July 4, 1946, 11 F. R. 7517, 60 Stat. 1352.)

CODIFICATION

A portion of the original text of section 2 of title XIII of the act of June 15, 1917, cited to text, concerning the duties of the district attorney of the Canal Zone, omitted here, will be found in section 574 of this title. The provisions of the sections of such act, cited to text, so far as they apply to different sections of such act, are repeated in sections 98, 133, 346, 381, 502 and 574 of this title, and sections 39, 40 and 42 of Title 50, War.

Former provisions of the second sentence, relating to the Philippine Islands, were omitted in view of the independence (and consequent foreign status) of the Philippine Islands proclaimed by the President of the United States in Proc. 2695, July 4, 1946, cited to text, which is set out as a note under section 1240 of Title 48, Territories and Insular Possessions.

Former third sentence of this section, which was derived from section 3 of Title XIII of act June 15, 1917, cited to text, which was also formerly set out as section 535 of this title, and which was a saving clause preserving criminal and civil liabilities incurred prior to June 15, 1917, was omitted as executed and obsolete.

Chapter 3.—OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS

GENERAL PROVISIONS

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| Sec. | |
| 51. | Conspiracy to injure persons in exercise of civil rights. |
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PERNICIOUS POLITICAL ACTIVITIES

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- 61h. Executive employees; use of official authority; political activity; penalties.
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 - (e) Employees of agencies not financed by United States as exempt.
 - (f) Definitions.
- 61m. Financial aid to candidates.
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- 61m-1. Same; persons or firms negotiating for or performing Government contracts.
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- 61o. Activities prohibited on part of civil-service employees as prohibited on part of other Government and State employees.
- 61p. Political campaigns in localities where majority of voters are Government employees.
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- 61r. Elections not specifically identified with National or State issues or political parties.
- 61s. State defined.
- 61t. Maximum contributions to and expenditures by political committees; penalties.
- 61u. Activities of employees of educational and research institutions, etc.
- 61v. Political activity affecting members of armed forces; exceptions.
- 61w. Same; limitation on censorship of political literature, arguments, or other matter.
- 61x. Same; penalties.

PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN PUBLICITY

- 62. Publicity material to contain name of person responsible for publication and distribution.
- 62a. Penalties.
- 62b. Definition of "election" and "candidate".

GENERAL PROVISIONS

§ 51. (Criminal Code, section 19.) Conspiracy to injure persons in exercise of civil rights.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. (Mar. 4, 1909, ch. 321, § 19, 35 Stat. 1092.)

DERIVATION

R. S. § 5508, which was revised from act May 31, 1870, ch. 114, § 6, 16 Stat. 141, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 52. (Criminal Code, section 20.) Depriving citizens of civil rights under color of State laws.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Mar. 4, 1909, ch. 321, § 20, 35 Stat. 1092.)

DERIVATION

R. S. § 5510, which was revised from act May 31, 1870, ch. 114, § 17, 16 Stat. 144, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 53. Repealed Aug. 27, 1935, ch. 740, § 1, 49 Stat. 872.

Section, act Nov. 23, 1921, ch. 134, § 6, 42 Stat. 223, related to punishment for searchers without a search warrant in connection with enforcement of the former National Prohibition Act which was formerly distributed throughout Title 27, Intoxicating Liquors.

§ 53a. Unlawful searches by officer, agent or employee of United States.

Any officer, agent, or employee of the United States engaged in the enforcement of any law of the United States who shall search any private dwelling used and occupied as such dwelling without a warrant directing such search, or who, while engaged in such enforcement, shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than \$1,000, and for a subsequent offense not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment: *Provided*, That nothing herein contained shall apply to any officer, agent, or employee of the United States serving a warrant of arrest, or arresting or attempting to arrest any person committing or attempting to commit an offense in the presence of such officer, agent, or employee, or who has committed, or who is suspected on reasonable grounds of having committed, a felony. (Aug. 27, 1935, ch. 740, § 201, 49 Stat. 877.)

§ 54. (Criminal Code, section 21.) Conspiring to prevent officer from performing duties.

If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to

injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than \$5,000, or imprisoned not more than six years, or both. (Mar. 4, 1909, ch. 321, § 21, 35 Stat. 1092.)

DERIVATION

R. S. § 5518, which was revised from acts July 31, 1861, ch. 33, 12 Stat. 284; Apr. 20, 1871, ch. 22, 17 Stat. 13, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 55. (Criminal Code, section 22.) Unlawful presence of troops at polls.

Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 and imprisoned not more than five years. (Mar. 4, 1909, ch. 321, § 22, 35 Stat. 1092.)

DERIVATION

R. S. § 5528, which was revised from act Feb. 25, 1865, ch. 52, 13 Stat. 437, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 56. (Criminal Code, section 23.) Intimidation of voters by officers or other persons of the Army or Navy.

Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than \$5,000 and imprisoned not more than five years. (Mar. 4, 1909, ch. 321, § 23, 35 Stat. 1092.)

DERIVATION

R. S. § 5529, which was revised from act Feb. 25, 1865, ch. 52, 13 Stat. 437, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 57. (Criminal Code, section 24.) Army or Navy officers prescribing qualifications of voters.

Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State shall be punished as provided in section 56 of this title. (Mar. 4, 1909, ch. 321, § 24, 35 Stat. 1092.)

DERIVATION

R. S. § 5530, which was revised from act Feb. 25, 1865, ch. 52, 13 Stat. 437, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 58. (Criminal Code, section 25.) Interfering with election officers by officers or other persons of the Army or Navy.

Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty,

shall be punished as provided in section 56 of this title. (Mar. 4, 1909, ch. 321, § 25, 35 Stat. 1092.)

DERIVATION

R. S. § 5531, which was revised from act Feb. 25, 1865, ch. 52, 13 Stat. 437, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 59. (Criminal Code, section 26.) Additional punishment.

Every person convicted of any offense defined in sections 55–58 of this title shall, in addition to the punishment therein prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing therein shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. (Mar. 4, 1909, ch. 321, § 26, 35 Stat. 1093.)

DERIVATION

R. S. § 5532, which was revised from act Feb. 25, 1865, ch. 52, 13 Stat. 437, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

PERNICIOUS POLITICAL ACTIVITIES

CROSS REFERENCES

Corrupt practices, see section 241 et seq. of Title 2, The Congress.

§ 61. Intimidation and coercion of voters in elections of certain officers.

It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives at any election held solely or in part for the purpose of selecting a President, a Vice President, a Presidential elector, or any Member of the Senate or any Member of the House of Representatives, Delegates or Commissioners from the Territories and insular possessions. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 1, 53 Stat. 1147.)

§ 61a. Administrative employees of United States or any State, use of official authority to influence elections.

It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipi-

pality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 2, 53 Stat. 1147; July 19, 1940, ch. 640, § 1, 54 Stat. 767.)

§ 61b. Political activity; promise of employment, compensation or other benefit.

It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 3, 53 Stat. 1147.)

§ 61c. Same; deprivation of employment, compensation or other benefit.

Except as may be required by the provisions of subsection (b) of section 61h of this title, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 4, 53 Stat. 1147.)

§ 61d. Assessments; contributions; solicitation from benefit recipients.

It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 5, 53 Stat. 1148.)

§ 61e. List of benefit recipients; furnishing.

It shall be unlawful for any person for political purposes to furnish or to disclose, or to aid or assist in furnishing or disclosing, any list or names of persons receiving compensation, employment, or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of, funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or

names for political purposes. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 6, 53 Stat. 1148.)

§ 61f. Appropriations, official authority; use in coercing voters.

No part of any appropriation made by any Act, heretofore or hereafter enacted, making appropriations for work relief, relief, or otherwise to increase employment by providing loans and grants for public-works projects, shall be used for the purpose of, and no authority conferred by any such Act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 7, 53 Stat. 1148.)

§ 61g. Penalties.

Any person who violates any of the provisions of sections 61–61f of this title upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 8, 53 Stat. 1148.)

§ 61h. Executive employees; use of official authority; political activity; penalties.

(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing World War II effort, other than in any capacity relating to the procurement or manufacture of war material shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal Laws. The provisions of the second sentence of this subsection shall not apply to the employees of The Alaska Railroad, residing in municipalities on the line of the railroad, in respect to activities involving the municipality in which they reside.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 9, 53 Stat. 1148; July 19, 1940, ch. 640, § 2, 54 Stat. 767; Mar. 27, 1942, ch. 199, title

VII, § 701, 56 Stat. 181; Aug. 8, 1946, ch. 904, 60 Stat. 937.)

AMENDMENTS

1946—Subsec. (a) amended by act Aug. 8, 1946, cited to text, to permit employees of the Alaska Railroad to participate in local political matters involving municipal governments only.

1942—Subsec. (a) amended by act Mar. 27, 1942, cited to text, which amended second sentence to except part-time officers and employees serving without compensation or with nominal compensation during the World War II effort. See termination note below.

1940—Subsec. (a) amended by act July 19, 1940, cited to text, which added words "and candidates" at end of third sentence.

TERMINATION OF 1942 AMENDMENT

Section 1501 of act Mar. 27, 1942, cited to text, as amended by acts Dec. 20, 1944, ch. 614, 58 Stat. 827; Dec. 28, 1945, ch. 590, § 1 (f), 59 Stat. 658; June 29, 1946, ch. 526, § 1, 60 Stat. 345, which is set out as section 645 of the Appendix to Title 50, War, provides that the amendments made by such act to this section shall remain in force only until March 31, 1947, or until such earlier time as the two Houses of Congress by concurrent resolution, or the President, may designate.

§ 61i. Federal employees; membership in political parties; penalties.

(1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 9A, 53 Stat. 1148.)

§ 61j. Effect on existing law.

The provisions of sections 61–61m and 61n–61x of this title shall be in addition to and not in substitution for any other provision of law. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 10, 53 Stat. 1149; July 19, 1940, ch. 640, § 3, 54 Stat. 767.)

§ 61k. Separability clause.

If any provision of sections 61–61m and 61n–61x of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of said sections, and the application of such provision to other persons or circumstances, shall not be affected thereby. (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, § 11, 53 Stat. 1149.)

§ 61l. Employees of State or local agencies financed by loans or grants from United States—(a) Influencing elections; officer or employee defined.

No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affect-

ing the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

(b) Investigations by Civil Service Commission; removal of employees; withholding grants from States.

If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) of this section are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the "Commission"). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal

to two years' compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c) of this section, any determination or order of the Commission shall become final upon the expiration of thirty days after the mailing of notice of such determination or order.

(c) Court review of determination of Commission.

Any party aggrieved by any determination or order of the Commission under subsection (b) of this section may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such de-

termination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 346 and 347 of Title 28. If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

(d) Rules and regulations; subpoena of witness and documentary evidence; depositions.

The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of sections 61-61m and 61-61x of this title before the Commission. Any member of the Commission may sign subpoenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of said sections, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from pro-

ducing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

(e) Employees of agencies not financed by United States as exempt.

The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

(f) Definitions.

For the purposes of this section—

(1) The term "State or local agency" means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.

(2) The term "Federal agency" includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System). (Aug. 2, 1939, ch. 410, § 12, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61m. Financial aid to candidates—(a) Contributions.

It is declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of \$5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party. This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

(b) Definitions.

For the purposes of this section—

(1) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(2) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(c) Purchases where proceeds inure to benefit of candidate or political organization.

It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for

any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

(d) Penalties.

Any person who engages in a pernicious political activity in violation of any provision of this section, shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than five years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

(e) Existing laws as unaffected.

Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in sections 61-61m and 61n-61x of this title shall be construed to alter or amend any provisions of sections 241-256 of Title 2. (Aug. 2, 1939, ch. 410, § 13, added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61m-1. Same; persons or firms negotiating for or performing Government contracts.

(a) No person or firm entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly, or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years.

(b) Nothing in this section shall be construed to permit any action which is prohibited by any provision of law in force on the date this section takes effect. (July 19, 1940, ch. 640, § 5, 54 Stat. 772.)

SOURCE

This section was not enacted as part of the Hatch Political Activity Act.

§ 61n. District of Columbia employees as employees of United States.

For the purposes of sections 61–61m and 61n–61x of this title, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 61h (a) of this title the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees. (Aug. 2, 1939, ch. 410, § 14, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61o. Activities prohibited on part of civil-service employees as prohibited on part of other Government and State employees.

The provisions of sections 61–61m and 61n–61x of this title which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns. (Aug. 2, 1939, ch. 410, § 15, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61p. Political campaigns in localities where majority of voters are Government employees.

Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of sections 61–61m and 61n–61x of this title are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons. (Aug. 2, 1939, ch. 410, § 16, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61q. State employees running for public office; resignation upon election.

Nothing in the second sentence of section 61l (a) of this title shall be construed to prevent or pro-

hibit any officer or employee of a State or local agency (as defined in section 61l (f) of this title) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this subchapter, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 61l (f) of this title). (Aug. 2, 1939, ch. 410, § 17, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61r. Elections not specifically identified with National or State issues or political parties.

Nothing in the second sentence of section 61h (a) or in the second sentence of section 61l (a) of this title shall be construed to prevent or prohibit any person subject to the provisions of sections 61–61m and 61n–61x of this title from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party. (Aug. 2, 1939, ch. 410, § 18, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61s. State defined.

As used in sections 61–61m and 61n–61x of this title, the term "State" means any State, Territory, or possession of the United States. (Aug. 2, 1939, ch. 410, § 19, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767.)

§ 61t. Maximum contributions to and expenditures by political committees; penalties.

No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 241 of Title 2, and the penalties provided in sections 241–256 of Title 2 shall apply to violations of this section. (Aug. 2, 1939, ch. 410, § 20, as added July 19, 1940, ch. 640, § 6, 54 Stat. 772.)

§ 61u. Activities of employees of educational and research institutions, etc.

Nothing in sections 61a, 61h (a) or 61h (b), or 61i of this title shall be deemed to prohibit or to make unlawful the doing of any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or Territorial possession of the United States; or by any recognized religious, philanthropic, or cultural organization. (Aug. 2, 1939, ch. 410, § 21, added Oct. 24, 1942, ch. 620, 56 Stat. 986.)

§ 61v. Political activity affecting members of armed forces; exceptions.

It shall be unlawful for any officer of, or person employed in, the executive branch of the Federal Government, or any agency or department thereof, including the Army and Navy, to deliver or cause to be delivered to persons in the armed forces of the United States any general communication, Government magazine, Government newspaper, motion-picture film, or other literature or material, or to make, or cause to be made, any broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, or sponsored by the Government, or any agency or department thereof, including the Army and Navy, which when considered in its entirety contains political propaganda obviously designed to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, or obviously calculated to create bias for or against a particular candidate in any such election, except as hereinafter provided:

(1) The word "sponsored" as used herein shall not be deemed to include sales at or through post exchanges, ship's service stores, or ship's stores of the armed forces, or purchases by company funds, welfare funds, or other similar nonappropriated funds of the armed forces.

(2) Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must if requested be given for such purposes to representatives of each political party which has a candidate for President in at least six States in the current Presidential election.

(3) Nothing herein shall prevent the Army or Navy, or personnel thereof, from selling, distributing, presenting, or making available to members of the armed forces—

(a) books, magazines, or newspapers of general circulation in the United States and also, in an overseas command, those of general circulation therein; or motion-picture films, radio broadcasts, radio rebroadcasts, plays, or entertainment material as generally presented to the public in the United States; or written material for use in educational programs of the armed forces similar to written material generally provided for use in civilian educational programs by recognized educational institutions in the United States: *Provided*, That the selection of such books, magazines, and newspapers, when the selection is necessarily limited by difficulties of transpor-

tation or other exigencies of war, shall be made in some impartial manner prescribed by the Secretary of War and the Secretary of the Navy for their respective services, such as a preference expressed by members of the armed forces, or the recommendation of expert committees, or otherwise;

(b) impartial and nonpartisan coverage or presentation of news or information of public events and affairs and persons in public life, through the media of servicemen's publications and motion pictures, radio programs, news services, and educational and orientation courses originated by the Army or Navy: *Provided*, That if in any issue or presentation space or time is allotted to editorials or columns supporting a political party which has a candidate for President in at least six States in the current Presidential election, an equal amount of space or time shall be allotted in the same issue or presentation to similar matter concerning each such other political party.

(4) Nothing in this section shall prevent the sending of any letter, communication, magazine, newspaper, or other literature by any individual, corporation (other than a Government-owned or Government-controlled corporation), or political committee to any member of the armed forces, addressed personally to such member of the armed forces, and paid for by him, or by the individual, corporation, or committee sending the same. (Aug. 2, 1939, ch. 410, § 22, as added Apr. 1, 1944, ch. 150, 58 Stat. 148, and amended Aug. 21, 1944, ch. 404, § 1, 58 Stat. 727.)

AMENDMENTS

1944—Act Aug. 21, 1944, cited to text, which amended section generally, inserted definition of "sponsored", and clarified Congressional intent regarding prohibitions against propaganda.

EXPIRATION DATE

Section 2 of act Aug. 21, 1944, cited to text, added a new section 25 to act Aug. 2, 1939, cited to text, which provided that this section and section 61w of this title would terminate at the expiration of six months following termination of hostilities of World War II, which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, set out as note under section 601 of Appendix to Title 50, War.

§ 61w. Same; limitation on censorship of political literature, arguments, or other matter.

It shall be unlawful for any censor or other member of the executive branch of the United States Government to remove from any letter or communication addressed to an individual member of the armed forces political literature or political arguments or other matter sent to such individual member of the armed forces by any individual, corporation, or political committee, unless such literature or other matter contains information which may be of value to the enemy in their prosecution of World War II. (Aug. 2, 1939, ch. 410, § 23, as added Apr. 1, 1944, ch. 150, 58 Stat. 149.)

EXPIRATION DATE

Section 2 of act Aug. 21, 1944, c. 404, 58 Stat. 728, added a new section 25 to act Aug. 2, 1939, cited to text, which provided that this section and section 61v of this title would terminate at the expiration of six months following termination of hostilities of World War II, which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, set out as note under section 601 of Appendix to Title 50, War.

§ 61x. Same; penalties.

Any person who violates the provisions of sections 61v or 61w of this title either within or outside of the United States shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than one year, or both. (Aug. 2, 1939, ch. 410, § 24, as added Apr. 1, 1944, ch. 150, 58 Stat. 149.)

PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN PUBLICITY

§ 62. Publicity material to contain name of person responsible for publication and distribution.

No person, association, organization, committee, or corporation shall publish or distribute, or cause to be published or distributed, any printed, multigraphed, photographed, typewritten, or written pamphlet, circular, card, dodger, poster, advertisement, or any other statement, relating to or concerning any candidate for election as President or Vice President of the United States, or as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, unless such pamphlet, circular, card, dodger, poster, advertisement, or statement contains the name or names of the person or persons, association, committee, or corporation responsible for the publication or distribution of the same, and if an association, committee, or corporation is responsible for the publication or distribution of the same, there shall be attached the names of the officers of such association, committee, or corporation. (Dec. 23, 1944, ch. 706, § 1, 58 Stat. 914.)

§ 62a. Penalties.

Any person who willfully violates the provisions of section 62 of this title, or aids and abets in a violation thereof, shall, upon conviction, be fined not more than \$1,000, or imprisoned for not more than one year, or both. (Dec. 23, 1944, ch. 706, § 2, 58 Stat. 915.)

§ 62b. Definition of "election" and "candidate."

When used in sections 62–62b of this title, the term "election" shall include a general or special election, and shall also include a primary election or convention of a political party. The term "candidate" means any person who has publicly declared his intention to seek election to any of the offices named in section 62 of this title or who has caused or permitted his intention to do so to be publicly declared. (Dec. 23, 1944, ch. 706, § 3, 58 Stat. 915.)

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT

Sec.

71. Making, forging, counterfeiting, or altering letters patent.
72. Making, forging, counterfeiting, or altering bonds, bids, or public records; transmitting such papers.
73. Making, forging, counterfeiting, or altering deeds or powers of attorney; transmitting such papers.
74. Possession of false papers.
75. Officer making false acknowledgments.
76. Falsely pretending to be United States officer.
- 76a. Prohibition of reproduction of official badges, identification cards, and other insignia.
- 76b. Same; punishment.
- 76c. Falsely pretending to be member or agent of 4-H clubs; fraudulent use of insignia or emblems.

Sec.

- 76d. Same; "person" defined.
- 76e. Veterans' organizations, unauthorized manufacture, sale, or use of insignia; penalties.
77. Repealed.
- 77a. Impersonating officer, agent or employee of United States and making arrest or search.
78. False personation of holder of public stocks or pensioner.
79. False demand on fraudulent power of attorney.
80. Presenting false claims.
81. False affidavits and papers; false certificate to papers.
82. Purling, stealing, or injuring property of United States or property manufactured under contract for War or Navy Departments.
83. Conspiracy to defraud United States in regard to allowance or payment of false claims.
84. Unauthorized delivery of certificate, voucher, receipt, etc., for military or naval property.
85. Unauthorized delivery of money or property for military or naval service.
86. Unlawful purchase of military, naval, or veterans' facilities property.
87. Embezzling arms and stores.
88. Conspiring to commit offense against United States.
89. Threats against President.
90. Interfering with delivery of prize property.
91. Bribery of United States officer.
92. Unlawfully taking or using papers relating to claims.
93. Interested persons acting as Government agents.
94. Enticing desertion from Army or Navy.
95. Enticing workmen from arsenals or armories.
96. Injuries to fortifications or harbor defenses; jurisdiction of offenses committed within Canal Zone or defensive sea areas.
97. Unlawfully entering military reservation, fort, or arsenal.
- 97a. Unlawfully entering, remaining, leaving, or committing acts in military areas or zones.
- 97b. Unlawfully procuring escape of prisoners of war and interned enemy aliens.
98. Possession or control of property or papers in aid of foreign government designed or intended for violating penal statutes, treaty rights, or obligations of United States; or rights under law of nations.
99. Robbery of personal property of United States.
100. Embezzling public moneys or other property.
101. Receiving stolen public property.
102. Stealing, defacing, etc., books, pamphlets, or manuscripts in Library of Congress or other public libraries.
103. Timber depredations on public lands; rights of entrymen.
- 103a. Coal land of United States; trespass; penalty.
- 103b. Same; existing rights; no interference.
104. Timber depredations on public lands; Indian lands or trust allotments.
105. Boxing trees for turpentine.
106. Setting fire to timber or other inflammable material on public, etc., lands.
107. Failing to extinguish fires built on public, etc., lands.
108. Fines paid into school funds.
109. Trespassing on Bull Run National Forest.
110. Breaking fences or driving cattle on inclosed public lands.
111. Injuring or removing survey marks.
112. Interrupting surveys.
113. Agreement to prevent bids at land sales.
114. Willful and false representations to intending purchasers of public lands.
115. Inducing conveyances by Indians of trust interests in lands.
116. Injuries to telegraph lines.
117. Counterfeiting weather forecasts.
118. Molesting Animal Industry employees; using deadly weapon.
119. Forging customs entry certificates.